

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DOLORES (DEE) BARRETT	:	
	:	
V.	:	CIVIL ACTION - LAW
	:	
THE GREATER HATBORO CHAMBER OF COMMERCE, INC.; JOHN J.(BUD) :		NO. 02 -cv-4421
AIKEN, AND MICKEY GLANTZ	:	JURY TRIAL DEMANDED

**ADDENDUM TO PLAINTIF'S BRIEF OPPOSING
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

I. BASIS FOR ADDENDUM

Subsequent to filing Plaintiff's Answer and Brief Opposing Summary Judgment in this action, undersigned counsel learned that the Honorable Yvette Kane, U. S. District Judge in the Middle District of Pennsylvania entered Judgment for Plaintiff on a Jury verdict in EOC and Marion Shaub v. Federal Express Corporation, No. 1:02-cv-1194 (M. D. Pa. January 18, 2005), a sexual harassment and employment discrimination case, including an award of \$950,000 punitive damages under the Pennsylvania Equal Rights Amendment (PERA). A copy of the Order is attached hereto.

II. DISCUSSION

The issue whether Plaintiff's rights under the Pennsylvania Equal Rights Amendment were violated by Federal Express, a private corporate employer, was tried to a jury in the above case, and a verdict was rendered for the Plaintiff. After post trial motions, the Trial Court entered Judgment in the amount of \$950,000 punitive damages for violation of the PERA.

It is respectfully submitted, as recognized by Judge Kane in the attached Judgment, that there is indeed a valid private cause of action for money damages against a private employer under Article I § 28 of the Pennsylvania Constitution. See also, Imboden v. Chowns

Communications Inc., 182 F. Supp. 2d 453 (E. D. Pa. 2002) where Judge Kauffman considered and rejected the issues raised by defendants here. It controls this case. See also, Kemether v. PIAA Inc., 15 F. Supp. 2d 740 (E. D. Pa. 1988).

III. CONCLUSION

For the foregoing reasons, and for all the reasons stated in Plaintiff's prior Memorandum of Law, which is incorporated herein by reference, Defendants' Motion for Summary Judgment should be DENIED in its entirety.

Respectfully submitted,

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